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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,023	04/08/2004	Kerstin Churt	DSC-AP-204	1693

24131 7590 01/24/2007
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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/822,023	Applicant(s) CHURT ET AL.	
	Examiner David Q. Nguyen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/25/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/26/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the appeal brief filed on 10/25/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

2. Applicant's arguments, see Appeal Brief, filed 10/25/06, with respect to claims 1-16 have been fully considered and are persuasive. The final rejection of claims 1-16 has been withdrawn.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 14 is objected to because of the following informalities:

“a presence of **said second and third first apparatuses** to said first apparatus” of the last limitation should have been changed to --- a presence of **said second and third apparatuses** to said first apparatus---. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagan (US 2003/0184448 A1).

Regarding claim 1, Kagan discloses a method of announcing an individual apparatus to a system containing a central apparatus (see par. 0031), which comprises the steps of: announcing the individual apparatus to the system using optical communication (see par. 0028); and storing information about the individual apparatus in the system in the central apparatus (see par. 0029 and par. 0031, the handheld computing 30 device stores the read data); and after completing the announcing step, communicating further information through radio communications (see par. 0031; transmission to another computing device such as a server).

Regarding claim 2, Kagan also discloses wherein the announcing is effected to the central apparatus (see par. 0028).

Regarding claims 4-9, Kagan further discloses performing the optical communication unidirectionally from the individual apparatus doing the announcing to an apparatus for registering the announcing (see par. 0028-0031); after the announcing has occurred, outputting an acoustic confirmation signal by at least one of an apparatus registering the announcing and the

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central apparatus (see par. 0028-0031); forming the system as a radio network (see par. 0028-0031); forming the system as a data acquisition and data collection system (see par. 0028-0031); performing the optical communication in an infrared range (see par. 0028-0031); forming the system as a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (see par. 0023, and pars. 0028-0031).

Regarding claim 10, Kagan discloses an apparatus for communicating with at least one other apparatus, the apparatus comprising: an optical interface for implementing optical communication with the at least one other apparatus (see par. 0028-0031), the optical communication providing information about the apparatus for announcing a presence of the apparatus to the at least one other apparatus (see par. 0028-0031).

Regarding claim 11, Kagan discloses a system, comprising: a first apparatus being a central apparatus having a first optical interface for performing optical communication (see par. 0028-0031); and a second apparatus selected from the group consisting of an individual apparatus and an intermediary apparatus and having a second optical interface for performing optical communication with said first optical interface (see par. 0028-0031), the optical communication only providing information about said second apparatus for announcing a presence of said second apparatus to said first apparatus (see par. 0028-0031).

Regarding claims 12-13, Kagan also discloses the system is a data acquisition and data collection system (0028-0031); said central apparatus is a master data collector (0028-0031); said intermediary apparatus is a data collector (0028-0031); and said individual apparatus is a terminal apparatus and data communication between said apparatuses is effected by way of radio

(0028-0031); wherein the system is a consumption data acquisition and collection system reporting information relating to at least one electricity consumption, water consumption, gas consumption and heat cost data (0028-0031 and par. 0023).

Allowable Subject Matter

5. Claims 14-16 are allowed.

Regarding claim 14, the closest prior arts, Tracy et al. (US 6,369,719) and Kagan (US 2003/0184448 A1), either singularly or in combination, fail to anticipate or render obvious that a third apparatus being an intermediary apparatus and having a third optical interface for performing optical communication, said third optical interface communicating with said first and second optical interfaces, the optical communication providing information about said second and third apparatuses for announcing a presence of said second and third apparatuses to said first apparatus as specified in the claim.

Claims 15-16 depend on claim 14. Therefore, they are allowed.

6. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perttola et al. (US 2004/0087273A1) teaches method and system for selecting data items for service requests.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN
David Q Nguyen
Examiner
Art Unit 2617

Joseph Feild
JOSEPH FEILD
SUPERVISORY PATENT EXAMINER